

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CAPTAIN NANCY S. DIETZ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 06-256-SLR
	)	
JAMES M. BAKER, et al.	)	
	)	
Defendants.	)	
	)	

**DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, Defendants Mayor James M. Baker ("Mayor"), individually and in his official capacity as Mayor of the City of Wilmington, and the City of Wilmington ("City," collectively, with the Mayor "Defendants") hereby move this Court for entry of partial summary judgment in favor of Defendants and against Plaintiff Nancy S. Dietz ("Dietz" or "Plaintiff") in the above captioned matter on the following grounds:

1. Based on the material undisputed facts, Dietz's claims in Counts One through Three of the Complaint under the Fourteenth Amendment, 42 U.S.C. §1981 and 42 U.S.C. §1983 related to the appointment of James Wright to the position of Inspector in 2001 are barred by the statutes of limitations.

For these reasons, and the support set forth in Defendants' Opening Brief, Defendants respectfully request that the Court enter an order granting judgment in favor of the Defendants on Counts One through Three of the Complaint for all claims related to the appointment of James Wright, dismissing the affected portions of the Complaint with prejudice and granting such other and further relief as the Court deems appropriate.

Dated: July 27, 2007

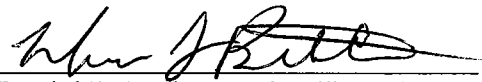
YOUNG CONAWAY STARGATT &  
TAYLOR LLP

/s/ Teresa A. Cheek

Teresa A. Cheek, Esquire (#2657)  
The Brandywine Building, 17<sup>th</sup> Floor  
1000 West Street  
Wilmington, Delaware 19801  
(302) 571-6676

Attorneys for Defendant the City of Wilmington

LANDIS RATH & COBB LLP



Daniel B. Rath, Esquire (#3022)  
Rebecca L. Butcher, Esquire (#3816)  
919 Market St., Suite 600  
Wilmington, Delaware 19801  
(302) 467-4400

Attorneys for Defendant Mayor James M.  
Baker

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CAPTAIN NANCY S. DIETZ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 06-256-SLR
	)	
JAMES M. BAKER, et al.	)	
	)	
Defendants.	)	
	)	

**ORDER**

Upon Defendants' Motion for Partial Summary Judgment, the Court having considered the Motion, as well as the briefs filed in support of and in opposition to the Motion, and having heard and considered oral argument on the Motion:

IT IS HEREBY ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, as follows:

1. Defendants' Motion for Partial Summary Judgment is GRANTED;
2. Counts One through Three of the Complaint relating to the appointment of James Wright in 2001 are DISMISSED WITH PREJUDICE.

\_\_\_\_\_  
The Honorable Sue L. Robinson  
United States District Judge